

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554
NOV 19 2002

Claudette

OFFICE OF
MANAGING DIRECTOR

Aileen A. Pisciotta, Esq.
Kelley Drye & ~~Warren~~, LLP
1200 19th Street, N.W.
Suite 500
Washington, D.C. 20036

Re: Enron Broadband Services, Inc. Pro Forma Assignment and
Transfer of Control of International 214 Authorizations
Fee Control No. 0201048115725002

Dear Ms. Pisciotta:

This letter responds to your request (dated January 21, 2002) submitted on behalf of Enron Broadband Services, Inc. (EBS) for a refund of the application fees filed on January 2, 2002 in connection with the pro forma assignment and transfer of control of EBS's individual international Section 214 authorization (File No. ITC-97-247) and its Section 214 submarine cable landing authorization (File No. ITC-MOD-20010305-00112). You request a refund of the *two* \$815.00 filing fees associated with the pro forma applications at issue here, for a total refund of \$1,630.00.

In your request, you state that on December 2, 2001, EBS and its parent company, Enron Corp. (Enron), filed petitions for Chapter 11 bankruptcy reorganization in the Southern District of New York. You have provided us with orders from the U.S. Bankruptcy Court for the Southern District of New York, dated December 3, 2001 and August 1, 2002, as well as Enron's and EBS's petitions for bankruptcy, dated December 2, 2001, to evidence this fact. You state that in connection with the bankruptcy filings, EBS, on January 2, 2002, filed applications with the Commission for the pro forma assignment and transfer of control of EBS's individual Section 214 authorization and its Section 214 cable landing authorization from EBS to EBS as Debtor-in-Possession. You assert that a refund of the filing fees associated with these applications should be granted in light of EBS's and Enron's bankruptcy filings.

Section 1.1117 of the Commission's rules, 47 C.F.R. §1.1117, provides that filing fees may be waived upon a showing of good cause and a finding that the public interest will be served thereby. *See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985*, 5 FCC Rcd 3558, 3572-73 (1990). Section 1.1117(e) of the rules, 47 C.F.R. §1.1117(e), requires an applicant seeking a waiver of the filing fee requirement to include the applicable fee with its waiver request, and also provides that the fee will be returned if the waiver is granted. *See also id.*

We find that the bankruptcy filings involving Enron and EBS substantiate **EBS's** claim of financial hardship and demonstrates good cause for waiver of the filing fees. *See MobileMedia Corporation*, 14 FCC Rcd **8017,8027 (1999)** (bankruptcy establishes good cause for waiver of filing fee). Therefore, your request for refund of the application filing fees in connection with EBS's applications for the pro forma assignment and transfer of control of its Section 214 authorizations is granted.

A check, made payable to the maker of the original check, and drawn in the amount of \$1,630.00, will be sent to you at the earliest practicable time. If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at **(202) 418-1995**.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Reger', with a large, stylized initial 'M'.

 Mark **A.** Reger
Chief Financial Officer

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

1200 19TH STREET, N.W.

SUITE 500

WASHINGTON, D.C. 20036

(202) 955-9600

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(202) 955-9792

www.kelleydrye.com

DIRECT LINE (202) 955-9771

E-MAIL: apisciotto@kelleydrye.com

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JAN 23 2002

Telecom Division
International & —

January 21, 2002

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Reauest for Processing Fee Refund

Dear Mr. Fishel:

On behalf of payer Kelley Drye & Warren, LLP, in accordance with Section 1.1113(a)(1) of the Commission's rules, 47 C.F.R. § 1.1113(a)(1), this letter requests the refund of processing fees submitted in connection with applications filed on January 2, 2002 for consent to the pro forma assignment and transfer of certain international Section 214 authorizations held by Enron Broadband Services, Inc. ("EBS").

The applications were filed to request Commission consent to the assignment and transfer of control of an individual international Section 214 authorization (File No. ITC-97-247) and a separate Section 214 authorization (File Nos. ITC-MOD-20010305-00112) held in connection with the cable landing license of the Pan American Cable System (SCL-MOD-20010305-00008). These applications were submitted to notify the Commission of the petitions for bankruptcy filed by EBS and its parent company, Enron Corp., on December 2, 2001. Processing fees of \$815.00 were paid for each of the three authorizations, for a total of \$2,445.00. Copies of the Form 159s associated with each application are attached.

Since the applications were filed, Commission staff have advised that, consistent with notification procedures applicable to pro forma assignments and transfers set forth in Section 63.24 of the Commission's rules, 47 C.F.R. § 63.24, applications for consent to assignments and transfers of control that occur as a result of bankruptcy are not required. Therefore, on January 18, 2001, EBS filed a letter by its attorneys requesting that the application associated with its individual international Section 214 authorization be returned without action. Additionally,

ACCOUNT PROCESSING
0100P-02/1/02/TMT

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Mr. Andrew S. Fishel
Federal Communications Commission
January 21, 2002
Page Two

although the application for assignment and ~~transfer~~ of the Section 214 authorization associated with the Pan American Cable System cannot be withdrawn because action must still be taken on the cable landing license portion of the application, no action is required on the Section 214 portion of the application. A copy of the letter to the Secretary also is attached.

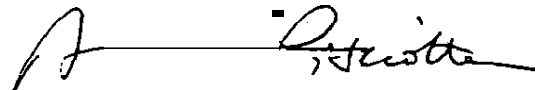
Consequently, Kelley Drye & Warren LLP has paid two processing fees, each in the amount of \$815.00, in connection with applications that the Commission staff has advised need not have been filed. The total refund requested is \$1,630.00. No refund is being requested for the \$815.00 fee paid for the portion of that application requesting consent to the assignment and transfer of the undersea cable landing license.

Please refund the total amount of \$1,630 by check made payable to Kelley Drye & Warren LLP, and sent to the following address:

Kelley Drye & Warren LLP
1200 19th St., NW
Suite 500
Washington, DC 20036
Attention: Aileen A. Pisciotta

Please direct any questions to the undersigned. Thank you for your attention.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Pisciotta', written over a horizontal line.

Aileen A. Pisciotta
Counsel to Enron Broadband Services, Inc.

cc: Alicia Smothers
Claudette Pride
Cynthia Harkness, Enron Broadband Services, Inc.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
Application of Enron Broadband Services, Inc.)	
For Consent to <i>Pro Forma</i> Assignment		
of its International 214 Authorization)	ITC-97-247
to Enron Broadband Services, Inc,)	File No. _____
Debtor-in-Possession)	

APPLICATION TO ASSIGN
INTERNATIONAL SECTION 214 AUTHORIZATION

Pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and Section ~~63.18(e)(3)~~ of the Commission's rules, 47 C.F.R. § ~~63.1~~ **8(e)(3)** Enron Broadband Services, Inc ("EBS" or "Applicant") hereby seeks consent to the **pro** forma assignment of its current international Section **214** authorization (ITC-97-247, effective June 13, 1997) to reflect its status ~~as~~ Debtor-in-Possession pursuant to its filing on December 2, 2001 of a voluntary petition for Chapter 11 reorganization in the **U.S. Bankruptcy Court** for the Southern District ~~of~~ New York.

All other information ~~on~~ file with the Commission for EBS remains accurate with ~~the~~ exception that Enron Corp., which indirectly ~~owns~~ 100 percent of EBS' equity, also filed a petition for Chapter 11 reorganization in the **U.S** Bankruptcy Court for the Southern District of New York on December 2, 2001, and **also** is currently operating ~~as~~ Debtor-in-Possession. EBS, Debtor-in-Possession continues to provide international service.

INFORMATION **REQUIRED** BY SECTION 63.18

In accordance with Section ~~63.18(e)(3)~~ of the Commission's rules, the Applicant ~~submits~~ the following information in **support** of *this* Application:

(a) The address and telephone number of EBS and EBS, Debtor-in-Possession, and its affiliates remain the same:

Enron Building
1400 Smith Street
Houston, TX 77002-7369
(713) 345-4196

- (b) There is no change in EBS's corporate information.
- (c) Correspondence regarding **this** Application should be addressed to:

Aileen A. Pisciotta
KELLEY, DRYE & WARREN LLP
Suite 500
1200 19th Street, N.W.
Washington, DC 20036
Phone (202) 955-9600
Counsel to Enron Broadband Services, Inc.

with a copy to:

Cynthia Harkness
Enron Broadband Services, Inc.
1400 Smith Street
Houston, Texas 77002
Phone (713) 345-7370

- (d) Applicant's FCC Authorization is ITC-97-247. Applicant also holds a Cable Landing License and related Section 214 Authorization.¹ Additionally, Applicant provides certain domestic common carrier services pursuant to Section 214.²
- (e) Pursuant to Section **63.18(e)(3)** of the Commission's rules, ~~this~~ application ~~seeks~~ approval for the *proforma* assignment of EBS's international Section 214 to reflect its status as a Debtor-in-Possession pursuant to the filing on December 2, 2001, of its voluntary petition for Chapter 11 reorganization in the **U.S.** Bankruptcy Court, Southern District of New York.
- (f) Not applicable.
- (g) Not applicable.

¹ See **Public Notice: Overseas Common Carrier Section 214 Application Actions Taken**, FCC Files Nos. SCL-MOD-20010305-00008; ITC-MOD-20010305-00112. **EBS** is separately filing **an** application for consent to the pro forma assignment of this cable landing license and related Section 214 authorization.

² EBS is also filing an application for consent for the assignment ~~of~~ its domestic **214** authorization.

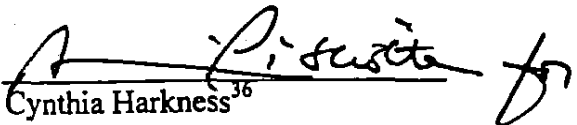
- (h-n) Given the *proforma* nature of this change, **these** sections of the rule **are** not applicable to this Application as the information for EBS **as** Debtor-in-Possession is identical to the information for EBS with the exception that Enron Corp., which owns 100percent **of** EBS' equity, filed **a** petition for Chapter **11** reorganization **in** the **U.S.** Bankruptcy court for the Southern District of New **York on** December **2**, 2001. Enron **Corp** is currently operating **as** Debtor-in-Possession.
- (o) By its signature to **this** Application, EBS and EBS. Debtor-in-Possession, certify that no party to **this** Application is subject to **a** denial of Federal benefits pursuant to Section **5301** of the Anti-Drug Abuse Act of **1988**. **See 21 U.S.C. § 853a.**
- (p) The Applicant requests streamlined processing for **this** Application. **Streamlined** processing is appropriate given the *proforma* nature of the transaction.

IV. CONCLUSION

For the foregoing reasons, the Applicant requests that the Commission authorize the modification of Applicant's Cable landing license and assignment of its Section **214** authority to reflect its status **as** Debtor-in-Possession.

Respectfully submitted,

Enron Broadband Services, Inc
Enron Broadband Services, Inc, Debtor-in-Possession

By: 
Cynthia Harkness³⁶

Of Counsel:
Aileen A. Pisciotta
Leila M. Baheri
KELLEY DRYE & WARREN, LLP
1200 19th Street, NW
Suite 500
Washington, D.C. 20036
(202) 955-9600 (Telephone)
(202) 955-9792 (Facsimile)

Dated: January 2, 2002

³⁶

Pursuant to Section 1.743(b) of the Commission's Rules, **this** Application is signed by Counsel to the Applicant because the authorized representative of the Applicant is out of the country and not available to sign the application within the timeframe it is required to be filed.

Tom P.

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

NOV 13 2002

**OFFICE OF
MANAGING DIRECTOR**

Ms. Joanne Dudley
G&D Communications, Inc.
503 Davis Blvd.
Sikeston, MO 63801

Re: G&D Communications, Inc.
FY 2000 Regulatory Fees
Fee Control No. 0000ORROG-02-080
Bill No. 2001-9-0264

Dear **Ms.** Dudley:

This is in response to your letter dated January 9, 2001 requesting a waiver of ~~the~~ late charge penalty for late payment of G&D Communications' (G&D) FY 2000 regulatory fees. We apologize for the delay in resolving ~~this~~ matter.

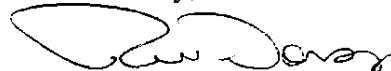
You state in your request that G&D did not receive the information indicating that the regulatory fees were due until October, after the fees were due. As we discuss below, however, Commission licensees are expected to **know** and understand the requirements and rules governing their licenses, including their obligation to file regulatory fees in a timely manner.

The Communications Act of 1934, as amended, requires the Commission to **assess** a late charge penalty of 25 percent on any regulatory fee not paid in a timely manner. It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. Although you may not have been aware of or fully understood the Communications Act or the Commission's rules regarding the FY regulatory fees, Commission licensees are charged with the responsibility to know and comply with the Commission's requirements and rules governing their licenses.

We find that G&D has not met its obligation to file its regulatory fee in a timely manner. We therefore deny your request for a waiver of the late charge penalty for late payment of the fiscal year 2000 regulatory fee.

Our records reflect that you have not paid the late charge penalty. Payment of G&D's late penalty of **\$83.40** is now due. The late charge penalty of **\$83.40** should be submitted, together with a copy of Bill No. 2001-9-0264, within 30 days of the date of this letter. If you have any questions concerning ~~this~~ matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



 **Mark A. Reger**
Chief Financial Officer

00000 R R 06 - 02 - 080
G&D Communications, Inc.
503 Davis Blvd.
Sikeston, MO 63801
573-472-2277 Office
573-472-2449 Fax

January 9, 2001

Attn: Management Director's Office
Fax to 202-418-2843

To The Management,

In October our office received *the* paperwork for regulatory fees due for the year 2000.

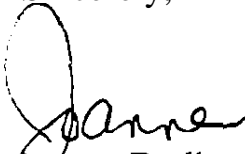
Today I received a penalty notice - Bill number 2001-9-0264.

I looked to see when I had sent off our check for fees due and I did send them off in October. The problem is.....I had just received the paperwork and several days later I completed the paperwork and then mailed it off to you.

I have nothing to show when I received your paperwork, but I know I did not have it laying around for a month or so. The only thing I noticed **was** that there were 2 mistakes in our address and spelling **as** noted on page 2. Is it possible the paperwork was sent back **by the** Post Office and then later mailed to me again'???? Or I don't **h o w** what **else** could have happened unless it went around **the** world and back.

So, to **sum** this up. I am asking that the penalty fees be dismissed. Please consider in our favor, I surely would appreciate it. Or fax number and office number **is** listed above. Thank you for your **time**.

Sincerely,


Joanne Dudley

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**Federal Communications Commission
BILL FOR COLLECTION**

FOR INQUIRIES CALL
1-2024151995
(Revenue/Receivables Operations)

Bill Number 2001-9-0264		Bill Date 01/02/01		Please write your bill number on your remittance. Payable to: Federal Communications Commission Send a copy of this bill to: Federal Communications Commission Revenue/Receivables Operations P.O. BOX 358835 PITTSBURGH, PA 15251-6835													
G & D COMMUNICATIONS, INC. 603 DAVIS BLVD SILKESTON, MD 21150																	
Total Amount Due \$83.40		Total Amount Due Must Be Received By		Due Date 02/02/01													
Description 26% PENALTY FOR LATE PAYMENT OF FY 2000 REGULATORY FEE CALL SIGN: WNUW291																	
Please attach a copy of this bill to your payment to ensure proper credit.																	
Payment Type Code		Quantity		Fee Due													
F	/	N	E	1	\$83.40												
					\$83.40												
Total Due					\$83.40												
Payment Method: <input checked="" type="checkbox"/> Check <input type="checkbox"/> (Attach) <input type="checkbox"/> Credit card <input type="checkbox"/> (Complete Below)																	
<input checked="" type="checkbox"/> MASTERCARD <input type="checkbox"/> WSA																	
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Month	Year																
I hereby authorize the FCC to charge my MASTERCARD or VISA for the service(s) / authorization(s) herein described.																	
AUTHORIZED SIGNATURE			DATE														